

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TADAAKI MINOURA, SHICHIRO MIYASHITA
and TORU TACHIBANA

Appeal No. 1999-0595
Application 08/704,186

ON BRIEF

Before THOMAS, JERRY SMITH and BLANKENSHIP, Administrative
Patent Judges.

JERRY SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's rejection of claims 1-10, which constitute all the claims in the application.

The disclosed invention pertains to a method and apparatus for displaying a calendar on a display screen.

Representative claim 1 is reproduced as follows:

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1. A method of displaying a calendar including daily data on a display screen, comprising the steps of:

(a) displaying a calendar for a specific month by arranging days of a week of said specific month in a row on said display screen;

(b) detecting an operation for said specific month;
and

(c) display, in addition to said specific month, at least one additional week with one of said at least one additional week closer to a predetermined day of said specific month on said display screen.

The examiner relies on the following references:

Ishii et al. (Ishii)	5,379,153	Jan. 03, 1995
Morgan et al. (Morgan)	5,544,288	Aug. 06, 1996
		(filed June 14, 1994)

Claims 1-7 and 10 stand rejected under 35 U.S.C. § 102(a) as being anticipated by the disclosure of Ishii.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103 as being unpatentable over the teachings of Ishii in view of Morgan.

Rather than repeat the arguments of appellants or the examiner, we make reference to the main brief and the answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejections advanced by the examiner and the

evidence of anticipation and obviousness relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, the appellants' arguments set forth in the brief along with the examiner's rationale in support of the rejections and arguments in rebuttal set forth in the examiner's answer.

It is our view, after consideration of the record before us, that the evidence relied upon does not support the prior art rejections made by the examiner. Accordingly, we reverse.

We consider first the rejection of claims 1-7 and 10 under 35 U.S.C. § 102 as being anticipated by the disclosure of Ishii. These claims stand or fall together as a single group [brief, page 2]. We will consider claim 1 as the representative claim for this group. Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc.,

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730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

With respect to representative, independent claim 1, the examiner indicates how he purports to read the invention of claim 1 on the disclosure of Ishii [Paper No. 4, incorporated into the examiner's answer]. Specifically, the examiner relies on Figure 15 of Ishii and the accompanying description in the patent. Appellants argue that from the calendar display of Figure 15, Ishii can select a specific month for display using keys K_{TSU} or Ishii can use the scroll keys to display the previous month or the following month. Thus, appellants argue that Ishii cannot scroll the calendar one week at a time to obtain the same view achieved by appellants' claimed invention [brief, pages 4-6]. The examiner responds that appellants have not identified any limitation of the claimed invention which Ishii does not teach.

On the record before us, we agree with appellants that

Ishii does not fully meet the claimed invention. Although the examiner asserts that appellants have not identified any limitation of the claimed invention which is not disclosed by Ishii, it is clear that appellants are arguing the last displaying step or means of independent claims 1, 3 and 5. The claimed invention requires that an additional week of the calendar be displayed on the screen in addition to said specific month [claims 1 and 3] or continued to the displayed calendar [claim 5]. These underlined portions of the claimed invention require that at least one more week be added to the display without losing the month that was previously displayed.

We agree with appellants that Ishii does not disclose this operation. In reading the claimed invention on Figure 15 of Ishii, the examiner has interpreted the detecting step of claim 1 as being met by the scrolling keys of Ishii. The examiner simply asserts that the final displaying step of claim 1 is fully met by Ishii when the calendar of Figure 15 is scrolled [answer, page 4]. As pointed out by appellants, however, Ishii specifically discloses that operation of the cursor keys in Figure 15 causes the display to scroll up or

down to display the calendar of the month which precedes or follows the month currently shown in the display [column 21, lines 10-14]. Thus, the cursor keys in Ishii operate to replace the current calendar with a previous month or a following month. The currently displayed month is not retained on the display after this operation. Since the currently displayed month in Ishii is not retained on the display, Ishii does not disclose displaying an additional week in addition to said specific month as recited in claim 1.

In summary, we have found that Ishii does not contain every limitation of the claimed invention. Therefore, we do not sustain the examiner's rejection of claims 1-7 and 10.

We now consider the rejection of claims 8 and 9 under 35 U.S.C. § 103 as being unpatentable over the teachings of Ishii and Morgan. Morgan was cited to meet specific limitations of claims 8 and 9. Morgan provides no teachings which overcome the deficiencies of Ishii discussed above. Therefore, this rejection improperly relies on Ishii for the same reasons discussed above. Since the examiner assumed that Ishii fully met the invention of claim 1, the examiner has not addressed the actual differences between Ishii and the claimed

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invention. Therefore, the examiner has not addressed the obviousness of these differences between Ishii and the claimed invention. Accordingly, the examiner has failed to establish a prima facie case of obviousness, and we do not sustain the examiner's rejection of claims 8 and 9.

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In summary, we have not sustained either of the examiner's rejections of the appealed claims. Accordingly, the decision of the examiner rejecting claims 1-10 is reversed.

REVERSED

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JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JERRY SMITH)	
Administrative Patent Judge)	APPEALS AND
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)	INTERFERENCES
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HOWARD B. BLANKENSHIP)	
Administrative Patent Judge)	

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